

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GERARD A MCHALE,

Plaintiff,

v.

SILICON VALLEY LAW GROUP,

Defendant.

Case No.: [3:10-cv-04864-JCS](#)

ORDER ON MOTIONS IN LIMINE

Dkt. Nos. 108, 109, 113, 114.

For the reasons stated on the record:

(1) SVLG's Motion In Limine No. 1 is GRANTED. The Court excludes the testimony of James Rees under Rule 404(b) of the Federal Rules of Evidence. The Court also excludes the testimony of James Rees under Rule 403 because the probative value is substantially outweighed by unfair prejudice.

(2) SVLG's Motion In Limine No. 2 is GRANTED in part and DENIED in part.

a. The Court excludes the Memorandum from Kutak Rock LLP, dated October 9, 2006 and attached as Exhibit G to the Declaration of Debra Sturmer, under Rule 403 because the probative value is substantially outweighed by the likelihood of jury confusion.

b. The Court does not exclude, subject to proper foundation, both Memoranda from Erik Perkins, dated November 7, 2006 and November 21, 2006, and attached as Exhibits H and I to the Declaration of Debra Sturmer.

c. The Court excludes pages 1 - 14 of the Memorandum from Jeffrey Berman of Kluger Peretz, dated December 17, 2006 and attached as Exhibit J to the Declaration of Debra Sturmer, under Rule 403 because the probative value is

substantially outweighed by the likelihood of jury confusion. The Court does not exclude, subject to proper foundation, pages 15 - 17 of the Memorandum.

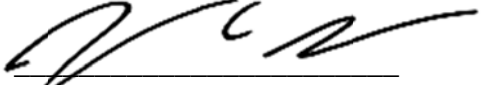
(3) The Trustee's Motion In Limine No. 1 is DENIED because it is an improper summary judgment motion.

(4) The Trustee's Motion in Limine No. 2 is GRANTED in part and DENIED in part.

The Court will extend the number of trial days from eight (8) days to twelve (12) days.

IT IS SO ORDERED.

Dated: January 25, 2012



Joseph C. Spero
United States Magistrate Judge

United States District Court